HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22868 of 2006

Dated:04.01.2007

Between:

Krovvidi Kasi Visweswara Rao.

…Petitioner

and

The Revenue Divisional Officer and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22868 of 2006

ORDER:

The petitioner is the brother of the fourth respondent. The fourth respondent made an application to the first respondent on 28.09.2004 alleging that the petitioner herein obtained pattadar pass books and title deeds by forging the signatures of his mother. The first respondent took up the enquiry. By impugned letter bearing R.C.No.2095/2004/K, dated 09.10.2006, the first respondent directed the third respondent to obtain the signatures of the petitioner and his family members and get them examined by the Forensic Science Laboratory, Vijayawada. Contending that the said letter is without jurisdiction under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), the petitioner filed instant Writ Petition seeking invalidation of the same.

At the stage of admission itself, the third respondent has filed counter affidavit. The fourth respondent is represented by duly instructed Counsel.

Learned Counsel for the petitioner placed reliance on the decision of this Court in **I.V.Saibaba Reddy v. Revenue Divisional Officer**[1] in support of the contention that Section 10 of the Act does not confer the power on the Revenue Divisional Officer to get a

disputed document examined taking the assistance of the Police. A similar question is considered in the decision cited hereinabove. Relying on the decision of the Supreme Court in **All India Indian Overseas Bank SC and ST Employees' Welfare Association v. Union of India**[2], this Court laid down as under.

> The submission of the learned counsel that all powers of CPC are conferred on the authorities under the Act cannot be accepted. It is well settled principle of interpretation that whatever is not specifically mentioned is deemed to have been excluded by the Legislature and it is not possible to accept the submission of the learned counsel for the petitioner.

The impugned letter is, therefore, clearly beyond the powers conferred on the appellate authority under Section 10 of the Act, and is unsustainable. Accordingly, the same is set aside, and the Writ Petition is allowed. No costs.

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(V.V.S.RAO, J)

04.01.2007
vs

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[1] 2006(4) ALT 226

[2] (1996) 6 SCC 606